

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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By: Peggy A. Nichols Peggy A. Nichols  
(Name)

In re Application for:

Gary D. Glick and Anthony W. Opipari

Examiner: Not Yet Assigned

Serial No.: Not Yet Assigned, Based on  
International Application No.  
PCT/US00/11599

Group Art Unit: Not Yet Assigned

Filing Date: Herewith

For: THERAPEUTIC APPLICATIONS OF  
PRO-APOPTOTIC BENZODIAZEPINES

PRELIMINARY AMENDMENT

BOX: PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Prior to examination of the above-identified application on the merits, consideration and entry of the following amendments are respectfully requested.

I. AMENDMENTS

Please amend the subject application as follows:

In the claims:

Please cancel claims 24 to 113 and 127 to 129, without prejudice or disclaimer.

## II. CONCLUSION

If a telephone interview would advance prosecution of the subject application, the Examiner is invited to telephone the undersigned at the number provided below.

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-0974**, referencing attorney docket no. 128019203801. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Date:

Nov. 8, 2000

By:

Antoinette F. Konski

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*Dennis Garcia*  
Dennis Garcia

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:

Gary D. Glick

Application Serial No.: To be Assigned

Filed: January 22, 2001

Title: **PRO-APOPTOTIC BENZODIAZEPINES**

Art Unit: To be Assigned

Examiner: To be Assigned

Attorney's Docket No. 128019-203802

**PRELIMINARY AMENDMENT**

**BOX PATENT APPLICATION**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Prior to examination of the above-identified application on the merits, Applicants respectfully request entry and consideration of the following amendments.

**AMENDMENTS**

**In the specification:**

On page 1, please insert as the first paragraph the following:

--This application is a continuation of U.S. Serial No. 09/700,101, filed November 8, 2000, which was the national stage of International Application No. PCT/US00/11599, filed April 27, 2000; which in turn is a continuation-in-part of U.S. Serial No. 08/881,037, filed June 23, 1997, now U.S. Patent No. 6,080,588, issued June 27, 2000; which in turn is a divisional of U.S. Serial No. 08/443,540, filed May 18, 1995, now abandoned; and also U.S. Serial No. 08/881,037, filed June 23, 1997 is a continuation-in-part of U.S. Serial No. 09/018,026, filed February 2, 1998, now

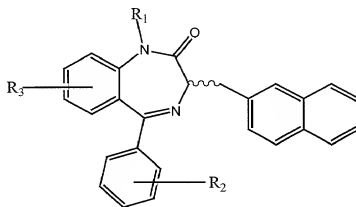
abandoned; which in turn is a continuation-in-part of U.S. Serial No. 08/943,983, filed October 3, 1997, now abandoned. The contents of these applications are hereby incorporated by reference into the present disclosure.--

**In the claims:**

Please cancel claims 1-129, without prejudice or disclaimer.

Please add the following new claims:

130. (New) A benzodiazepine compound having the structure:



or its enantiomer,

wherein,

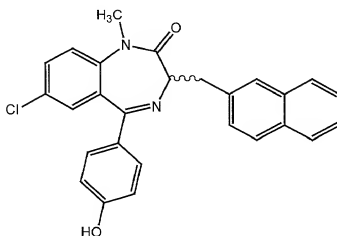
R<sub>1</sub> is selected from the group consisting of aliphatic and aryl;

and wherein, each of R<sub>2</sub> and R<sub>3</sub> is independently selected from the group consisting of hydrogen, hydroxy, alkoxy, halo, amino, lower-alkyl-substituted-amino, acetylamino, hydroxyamino, an aliphatic group having 1-8 carbons and 1-20 hydrogens, aryl, and heterocyclic;

or a pharmaceutically acceptable salt, prodrug or derivative thereof.

- 131. (New) The compound of claim 130, wherein, R<sub>2</sub> is hydroxy.
- 132. (New) The compound of claim 130, wherein, R<sub>3</sub> is halo.
- 133. (New) The compound of claim 130, wherein, R<sub>2</sub> is hydroxy and R<sub>3</sub> is halo.
- 134. (New) The compound of claim 133, wherein, R<sub>1</sub> is methyl.

135. (New) A benzodiazepine compound having the structure:



or its enantiomer,

or a pharmaceutically acceptable salt, prodrug or derivative thereof.

136. (New) The R-isomer of the compound of claim 135.
137. (New) A pharmaceutical composition comprising a compound of any of claims 130 to 136 and a carrier.

**REMARKS**

Applicants respectfully request consideration and entry of the preceding amendments. Support for the aforementioned new claims is located in the specification on page 40 as figure labelled "Compound 1"; on page 28, line 1 to page 31, line 2; and, the second compound in examples on page 32. The specification has been amended to make reference to the continuing information. An issue of new matter is not raised by entry of these amendments.

If a telephone interview would advance prosecution of the subject application, the Examiner is invited to telephone the undersigned at the number provided below. In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-0974**, referencing attorney's docket no. **128019-203802**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Date: January 22, 2001

By: Michele Todd Wasmuth  
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